IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1968 OF 2003
IN
INCOME TAX APPEAL (L) NO.654 OF 2003

The Commissioner of Income Tax
Mumbai City 24, Mumbai .. Appellant
V/s
Late Shri.Vishnu B.Patil, Mumbai .. Respondent

Mr.A.D.Kango i/by Mr.T.C.Kaushik for the Appellant.

CORAM : DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.

DATE : 20th March, 2007.

P.C.:

1. Heard the learned Counsel for the Appellant. The title of Notice of Motion clearly indicates that the Notice of Motion has been taken out against the deceased Respondent. The learned Counsel for the Respondent is unable to controvert the same and concedes that the Respondent has expired. Moreover the Notice of Motion is also addressed to the late Shri.Vishu B.Patil (Respondent). In view thereof, the Notice of Motion is not maintainable at all. Hence, the Notice of Motion stands dismissed.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN,J.)**